

8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements Subtitle I (1200 TN 350 8-26)**1. AUTHORITY.**

a. To represent the Agency in administrative enforcement actions following the issuance of an administrative complaint or corrective action order under Subtitle I of the Solid Waste Disposal Act (SWDA), as amended;

b. To negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and

c. To initiate an appeal from an administrative determination and to represent the Agency in such appeals pursuant to the SWDA.

2. TO WHOM DELEGATED.

a. The authorities in 1.a. and 1.c. are delegated to the Regional Counsel (RC).

b. The authorities in 1.b. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA, and Toxics Branch, ECAD.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator files an answer or fails to file an answer within the period set by the administrative complaint or corrective action order.

b. The delegates must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) prior to initiating an appeal, or determining that an appeal is unnecessary for an adverse decision.

4. REDELEGATION AUTHORITY.

a. This authority may not be redelegated without formal amendment.

b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. ADDITIONAL REFERENCES.

- a. Section 9006 of the SWDA.
- b. Section 9003(h) of the SWDA.
- c. See delegation 8-9-B in AEPA=s Delegations Manual.@
- d. See delegation 8-35 in AEPA=s Delegations Manual.@

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (Subtitle I), 1200 TN RIII 149 (February 27, 2003).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator